

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FREDERICK GEORGE KRIEMELMEYER,

Plaintiff,

v.

ALLEN ARDE, REX W. TILLERSON AND
U.S. DEPT. OF STATE, CHICAGO PASSPORT AGENCY,

Defendants.

OPINION AND ORDER

18-cv-148-bbc

Pro se plaintiff Frederick George Kriemelmeyer is proceeding on claims under the Freedom of Information Act, 5 U.S.C. § 552(a)(4)(B), against the United States Department of State. He also named former Secretary of State Rex Tillerson and Special Agent Allen Arde as defendants. Defendants Arde and Tillerson have now moved to dismiss plaintiff's claims against them, arguing that the Freedom of Information Act does not create a cause of action against individuals and the court does not have jurisdiction to enjoin individuals for violations of the Act. Dkt. #11.

I will grant defendants' motion. Individual federal officials are not proper defendants in an action under the Freedom of Information Act because it is the *agency's* responsibility to produce records. 5 U.S.C. § 552(a)(4)(B); Ginarte v. Mueller, 534 F. Supp. 2d 135, 136 (D.D.C. 2008) ("It is well established by now that '[i]ndividual federal employees are not subject to suit under FOIA.'" (citations omitted) (collecting cases); Jefferson v. Reno, 123 F. Supp. 2d 1, 3 (D.D.C. 2000) (dismissing individual defendants in FOIA action); Stone v.

Defense Investigative Service, 816 F.Supp. 782, 785 (D.D.C. 1993) (same). Plaintiff cites no legal authority in support of his contrary arguments. Therefore, defendants Arde and Tillerson will be dismissed from this case.

ORDER

IT IS ORDERED that the motion to dismiss filed by defendants Rex Tillerson and Allen Arde, dkt. #11, is GRANTED. Defendants Tillerson and Arde are DISMISSED as defendants from this case.

Entered this 13th day of September, 2018.

BY THE COURT:

/s/_____
BARBARA B. CRABB
District Judge